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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,159	04/01/2004	Shunpei Yamazaki	12732-225001	7389
26171	7590	11/14/2005	EXAMINER	
FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			LOUIE, WAI SING	
			ART UNIT	PAPER NUMBER
			2814	

DATE MAILED: 11/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/814,159

Applicant(s)

YAMAZAKI ET AL.

Examiner

Wai-Sing Louie

Art Unit

2814

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>9/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-5, 9-10, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Winters et al. (US 6,737,800).

With regard to claims 1 and 3-4, Winters et al. disclose a white-emitting organic electroluminescent device (col. 3, line 40 to col. 19, line 50 and fig. 2) comprising a pixel portion comprising:

- A light-emitting element 10 comprising:
 - A first transparent electrode 132 (fig. 2);
 - A second transparent electrode 112 (fig. 2);
 - A first light-emitting layer 122 between the first and second transparent electrodes 132 and 112, the layer comprising a first light-emitting layer 122 comprising an organic metal complex (col. 8, lines 37-63 and fig. 2);and
- A color filter 151 (fig. 2),

- Where the light-emitting element 10 simultaneously generate blue color layer (col. 3, line 66 to col. 4, line 1), fluorescent (phosphorescence) from the second organic metal complex 123 (col. 8, lines 5-12), and the excimer light emission from the organic metal complex so as to generate white light emission (col. 4, lines 7-18),
- Where white color light emission passing through the first transparent electrode 132 generates full color display by the color filter 151 (col. 18, lines 42-49), and
- Where white color light emission passing through the second transparent electrode generates monochrome display (col. 3, lines 40-66).

With regard to claim 5, Winters et al. disclose the first light-emitting layer 122 comprises a host material in form of dopant typical 10% by weight (col. 8, lines 23-41).

With regard to claims 9-10, Winters et al. disclose an electron-transporting layer 124 between first and second transparent electrodes (fig. 2).

With regard to claim 12, in addition to the limitations disclosed in claim 1 above, Winters et al. also disclose:

- A first color filter comprising (col. 18, lines 41-49):
 - A red color layer 151a (fig. 3);
 - A green color layer 151b (fig. 3);
 - A blue color layer 151c (fig. 3);
- A second color filter 111 comprises one of colored layer red, green, and blue as in multicolor device 170 (col. 19, lines 30-36).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 6-8, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Winters et al. (US 6,737,800) in view of Hadley et al. (US 6,590,346).

With regard to claim 2, in addition to the limitations disclosed in claim 1 above, Winters et al. also disclose:

- Winters et al. do not disclose first and second polarizing plates. However, Hadley et al. disclose a first and second polarizing filters (plates) in the OLED display device (Hadley col. 1, lines 49-55). Hadley et al. teach the active matrices with the polarizing light provides higher quality display (Hadley col. 1, lines 42-45). Winters et al. and Hadley et al. have substantially the same environment of display panel having the OLED element pixels. Therefore, it would have been obvious for the one with ordinary skill in the art to modify Winters' device with the teaching of Hadley et al. to provide a first and second polarizing plates in order to have a higher quality display.

With regard to claims 6-8, Winters et al. disclose the first light-emitting layer 122 comprises a host material in form of dopant typical 10% by weight (col. 8, lines 23-41), but do

not disclose the host material in the metal complex is between 12.5 to 20% by weight. Since the applicant has not established the criticality of the mole % by weight stated and since these mole % are in common use in similar devices in the art, it would have been obvious to one of ordinary skill in the art to use these values in the device. Where patentability is said to be based upon particular chosen dimension or upon another variable recited in a claim, the applicant must show that the chosen dimensions are critical. In re Woodruff, 919 F2d 1575, 1578, 16 USPQ2d 1934, 1936 (Fed. Cir. 1990).

With regard to claim 11, Winters et al. modified by Hadley et al. disclose a first direction of a first polarizing axis of the first polarizing filter is perpendicular to the second polarizing axis of the second polarizing filter (Hadley col. 1, lines 30-35).

Response to Arguments

Applicant's arguments filed 8/22/05 have been fully considered but they are not persuasive.

- Applicant argues that Winters et al. is entirely silent as to the use of excimer light emission. However, Winters et al. disclose all limitations in the independence claim 1. Although, Winters et al. do not specifically state that the organic metal complex generates excimer light emission. However, since Winter et al. disclose the claimed structure, it is clear that such a structure results in the generating the excimer light emission and is thus an inherent feature of the claimed semiconductor device.

Conclusion


THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wai-Sing Louie whose telephone number is (571) 272-1709. The examiner can normally be reached on 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael Fahmy can be reached on (571) 272-1705. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Wsl
November 7, 2005.


LONG PL
PRIMARY EXAMINER